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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,695

03/30/2004

Tae-Woong Koo

INTEL1510 (P18520)

7238

28213

7590

04/14/2006

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SAN DIEGO, CA 92121-2133

EXAMINER

YU, MELANIE J

ART UNIT

PAPER NUMBER

1641

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/814,695	Applicant(s) KOO ET AL.	
	Examiner Melanie Yu	Art Unit 1641	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): rejection under 35 USC 112, first paragraph.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6 and 8-14.
Claim(s) withdrawn from consideration: 14-46.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____

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Continuation of 3. NOTE: new claims 47-56 present new limitations that would raise new issues and would require further consideration and search in order to determine the patentability of the claims. Specifically, the limitation requiring heating performed for a period of time of about 60 minutes, which is a new limitation not required of the rejected claims 1-6 and 8-13. Rejected claim 4 requires heating performed for at least about 60 minutes, but does not recite the limitation of about 60 minutes.

Continuation of 11. does NOT place the application in condition for allowance because: for the reasons stated in the previous office action dated 28 December 2006.

Regarding the rejection of claims 1-6 and 9-13 under 35 USC 103(a), applicant argues that Siiman et al. teach an initial concentration of silver nitrate being 0.589 M, but do not teach the final concentration being 0.589 M. However, applicant's arguments are not persuasive because claim 1 does not specifically recite that the final concentration must be at least 0.5 M. The claim merely requires that the metal cations and reducing agent are present in that concentration. Because the initial concentrations of metal cations and the reducing agent are both at least 0.5 M, the metal cations and reducing agent are both present in the aqueous solution in concentrations of 0.589 M and 1.36 M, respectively. Furthermore, according to example 1 of applicant's original specification, the final solution does not require the concentration of the metal cations and reducing agents to be 0.5 M in the final aqueous solution. According to example 1, 0.2 mL of a 0.5 M silver nitrate solution is added to 100 mL of water and 0.136 mL of a 0.5 M sodium citrate solution is added. Therefore, applicant's invention refers to the initial concentration of silver nitrate and sodium citrate added to the aqueous solution. If applicant's calculations at the last paragraph of page 12 of arguments are applied to example 1 of the instant specification, the final concentration of silver nitrate in the total aqueous solution is $(0.2 \text{ mL silver nitrate solution}) * (0.5 \text{ M concentration of silver nitrate}) / (100.336 \text{ mL total volume of solution}) = 0.0009967 \text{ M silver nitrate in the final solution}$, which is not encompassed by the at least about 0.5 M recited in claim 1. Applicant's arguments are not persuasive because the reference of Siiman et al. teaches the initial molar concentration as taught by example 1 and recited in claim 1. The instant specification does not intend to provide a final concentration of at least 0.5 M of metal cations. The instant specification does not provide support for the concentration of silver nitrate and sodium citrate being at least 0.5 M in the final aqueous solution as argued by applicant. Regarding applicant's arguments against rejections under 35 USC 103(a) over all other references are not relied upon for the concentration of metal cations and reducing agents in the aqueous solution.